

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN ADAMS,

Plaintiff,

v.

AUTO RAIL LOGISTICS, INC., and  
AUTO WAREHOUSING CO., and  
JOHN CORRIGAN,

Defendant.

Case No: 09-12152

Honorable Victoria A. Roberts

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**ORDER**

**I. Introduction**

On July 30, 2010, Defendants filed a Motion for Summary Judgment. (Doc. 19). That same day, Plaintiff filed a Motion for Summary Judgment. (Doc. 20).

The Court **DENIES** both motions.

**II. Standard of Review and Analysis**

Summary judgment is proper “if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” In reviewing a motion for summary judgment, “the evidence as well as all inferences drawn therefrom must be read in a light most favorable to the party opposing the motion.” *Kochins v. Linden-Alimak, Inc.*, 799 F.2d 1128, 1133 (6th Cir. 1986). A genuine issue of material fact exists “if the evidence is such that a reasonable jury could return a

verdict for the nonmoving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

The Court denies both parties’ motions; multiple genuine issues of material fact exist, including, but not limited to:

- Whether Plaintiff was entitled to FMLA benefits for any period between December 26, 2007 and January 8, 2008;
- Whether Defendants terminated Plaintiff for failure to produce a medical certification or for suspected abuse of sick leave;
- Whether Defendants removed Plaintiff from the work schedule or told him not to return to work, until he produced an adequate medical certification;
- Whether Defendants had a legitimate reason, unrelated to the exercise of Plaintiff’s FMLA rights, for terminating Plaintiff;
- Whether Plaintiff violated any notice procedure or sick leave policy of Defendants;
- Whether Plaintiff’s “last chance agreement” covered tardiness and absences.

**IT IS ORDERED.**

s/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: November 24, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on November 24, 2010.

s/Linda Vertriest  
Deputy Clerk